

# NATIVE PEOPLES AND US: LIVING TOGETHER

Description of the situation  
of Native peoples in Canada

Administration  
of Indian  
Affairs



Political  
self-determination  
of Native Peoples

The development of  
Canadian North and  
the Native Peoples

Pam: 325.454: (\*41)

CANA

Comité d'Appui aux Nations Autochtones  
de la Ligue des Droits et Libertés

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The translation of this document was undertaken by the **Quebec Movement to Combat Racism**, with financial support from the Department of the Secretary of State.

## Explanation of the logos

— Detail:

The letters A, N, A, stand for "appui aux nations autochtones" (support for native nations); the N formed by the junction of the two A's.

Taken as a whole:

The logos represents the meeting of us and the Native peoples, symbolized by two arrows, one coming from the north, the other from the south.

Rec'd: Jan. 19/84  
 Order No. 16422  
 Price \$ 1.50  
 Assoc. Mouvement Québécois



# DESCRIPTION OF THE SITUATION OF NATIVE PEOPLES IN CANADA

## — Historical Perspective

About thirty-seven thousand years ago, important variations in climate rendered America inhabitable. At that point the continent was covered with glaciers, trapping large lakes on the land. The lowering of the ocean's level as a consequence, enabled a land mass to surface between Siberia and Alaska: the Isthmus of Bering. America and Asia found themselves linked. The Bering land emerged during two periods of severe cold; the one around 35,000 B.C., the other, around 20,000 years later. Each of these two periods witnessed a certain human migration. Entire generations of men and women from Asia settled in the Isthmus of Bering and in Alaska. Later on, as the climate became milder, these people were able to push southward and occupied the entire continent of America.

The present territory of Quebec could not have been occupied before 7,000 B.C.. It was only about this time that the waters covering the area receded. Here again, two phases of settlement can be distinguished; the first around 7,000 B.C. (corresponding to the ancestors of the Indians) and the second around 5,000 B.C. (corresponding to the ancestors of the Inuit). Thus in Quebec, as in the rest of Canada, two groups of native peoples are identifiable, distinct in numerous cultural, linguistic and physical ways.

Estimates indicate that from 80 to 100 million people lived in the Americas in the sixteenth century, when the Europeans began to arrive. The native population of what is now Canada would, at that time, have been approximately one million. That of the U.S.A. is estimated to have been four million. Settlement was much more concentrated in the south. Thus, in the Anahuac, an area in what is now Mexico, the number is thought to have been 25 million. In the Inca Empire, in Peru, it is estimated to have been 10 million.

These figures indicate beyond a doubt that a significant native population was in place in the Americas when the Europeans arrived, con-

trary to the widely held view that the continents were almost uninhabited. With the presence of the Europeans, the native population took a sharp drop, caused by massacres and epidemics. The population of Anahuac, at 25 million in 1519, was reduced to 1 million a century later. The Inca Empire was decimated from 10 million in 1530 to 1 million in 1600. In Canada, too, the native population must have suffered heavy losses but over a longer lapse of time. The native people in Canada were estimated at 1 million in the sixteenth century, whereas, in 1911 the Department of Indian Affairs listed only 108,261; 103,661 status Indians and 4,600 Inuit. These figures do not include the Métis living in the Prairies. In any case, the decline seems to be over since their numbers are now on the increase. In 1975, the Department of Indian Affairs counted 282,762 status Indians and 4,252 Inuit. Their natural birth rate (deaths subtracted from births) is now higher than that of Canada as a whole. In 1970 the birth rate among the Inuit was 4.8%, and among the Indians it was 2.4%, while Quebec's was 0.96%. From these figures one may reasonably project that in 1981, in Quebec, status Indians will number 32,802. Since in order to arrive at a final figure the non-status Indians and Inuit must be taken into account, the number would rise to about 80,000 native people in Quebec in 1981.

The Indians presently living in Quebec form nine separate nations:

nations	number of status Indians	general location
Algonquins	3,362	Abitibi / Temiscamingue
Crees	6,625	James Bay Region
Attikameks	2,535	St. Maurice Region
Montagnais-Naskapis	7,111	North Shore of the St. Lawrence
Micmacs	2,129	Gaspé



Malecites	100	near Rivière du Loup
Abenakis	667	Becancour and Odanak
Hurons	1,169	Loretteville
Ganienke (Mohawks or Iroquois)	5,872	Caughnawaga, Oka and St. Régis.

These nations are spread out over some forty reserves and settlements. This in no way means to say that their activities are restricted to those territories. A good number of them still make use of the territory used by their ancestors.

In 1975, that is before the James Bay Agreement, these reserves covered a surface of about 300 square miles, much less than the territory they occupied upon the arrival of the Europeans. (Quebec covers some 600,000 square miles.)

The Inuit occupy lands in Quebec that are basically north of the fifty-eighth parallel. They live in different villages along the coast of Hudson Bay (Inujuac, Povungnituk, Ivujivik), on the south shore of Hudson Strait (Sugluk, Maricourt), and finally, along Ungava Bay (Bellin, Fort Chimo, Port Nouveau-Quebec).

## Health

It has been noted that the native population is rapidly increasing. Nevertheless, this growth rate would be even higher were it not for difficult living conditions resulting from Canadian government policies.

### Life Expectancy in 1974

	man	woman
Canadian	68.6	72.9
Native Indian	46.5	32.4

(in: "Infirmière Canadienne", Oct 1978, p.9)

### Infant Mortality rate in 1975

	Deaths per 1000 live births
Canadian	20
Native Indian	40
Inuit	70

(in: R.A.Q., 1977, p.19)

The number of deaths caused by infectious disease and suicide is double that of the Cana-

dian population. Deficient health services and intolerable living conditions on reserves are the principal reasons for the high mortality rates. Status Indians, forced to live on reserves, have had to adjust to our types of food and medicine. These changes were made subtly, leaving many loopholes in the system. Traditional diet, well-adapted to their environment and way of life, was unbalanced by the introduction of certain foodstuffs containing more fatty substances and sugar. Numerous cases of obesity and malnutrition followed. In the face of respiratory diseases caused by unsanitary living conditions, the native people declined rapidly. The government finally set in motion health care and hospital care for native people but these were insufficient and, as we judge it, must still be considered inadequate. Increasing the number of doctors and nurses will not remedy the situation. Professionals in the field of health care have to learn to understand the native people's attitude towards medicine and the advantages of traditional medicine. Control of health services by native people themselves is the only way to assure the success of changes in health care.

## Housing

One of the goals of the Canadian government's "civilizing policy" for native people consisted in getting them to settle down. They were forced to live in houses built according to Canadian standards, not theirs. The government claims to have consulted the status Indians about the type of housing desired. Yet, on all the reserves in Quebec the housing is almost identical. The special characteristics of each group of native people were not respected. This fact would largely explain the native people's attitude to those dwellings. They tear down walls to make one large room, as in the traditional tent.

The government has imposed housing that is not only foreign in concept but also inferior in quality: (poor insulation, inadequate heating, irreplaceable parts). Thus in 1973,



	Quebec (%)	Indians (%)
Electricity	99.2	78.6
Sewage / Septic tanks	—	68.5
Running water	99.6	50.1
Indoor toilet	99.3	67.9
Bath / Shower	94.7	51.1

(R.A.Q. 1976 p.24)

La Romaine

Recently native people succeeded in obtaining certain programmes for housing repair and construction. Nonetheless, authorities still impose norms that do not conform to the native people's way of life... So, tents pop up alongside houses!

Photo: Jean-René Proulx.



## Education

The Canadian government, ever solicitous to give native people their fair share, soon learned that settling native people down would not be sufficient if they were to achieve their goal of "civilizing" them. Thus, yet another system was set in place: an educational system founded on our values and teaching methods, in the hopes of assimilating the native children.

To insure the largest possible chances of success, the government included articles in the Indian Act obliging parents, under threat of

imprisonment, to send their children to school. Since the native people have always safeguarded their own cultural values, the educational system never attained its objective, despite the coercive measures.

The following figures illustrate the failure of the system.

	native pupils	
Canada	in 1951	8,782 in 1st grade
	in 1962	341 in 12th grade
Quebec	in 1961	476 in 1st grade
	in 1972	77 in 12th grade

In the mid 1960's, 80% of the first students had to repeat their first year.

<sup>1</sup>R.A.Q., 1977, p. 21.



Certain hypotheses have been forwarded to explain such poor performance. Let us consider the following, among others:<sup>1</sup>

- pedagogy based on foreign concepts (discipline, schedules,)
- language of instruction other than mother tongue
- content incapable of motivating the child
- system based on rivalry and individualism, both foreign to Indian psychology.

In the last several years native people have been taking control of schooling in order to make it conform to their needs. There are more and more courses given in the different native languages and based on content and methods adapted to their values. The school term, too, has been modified to permit the continuation of hunting and fishing. In certain places the lessons take place on ancestral hunting grounds rather than in the school on the reserve.

etc.) would permit. We will see later <sup>2</sup> that such above and underground developments affect hunting grounds and force the abandonment of traditional ways. On the other hand, in compensation the native people cannot look forward to salaried jobs from these projects. With neither jobs nor hunting grounds some have to meager out an existence on social insurance.

An important fact to remember here is that, in large part, the money for the various assistance programmes does not come from the "taxpayer's pocket". Rather it comes from a fund, created by the Department of Indian Affairs, from the sale of lands by the status Indians and from the profits of industries and firms established by the Indians themselves. Is it not ironic, some what Machiavellian ever, that the government has financed its attempts at assimilation with monies rightfully belonging to the native people themselves?

*Translated by: Frances Molaro*

*Pierre Lalo in an adult education course at St. Augustin, 1971*

*Photo: Rémi Savard*

## **Jobs and Income**

For status Indians, being confined to reserves has also had an impact on their way of life. Through various means the government tried to make them move away from traditional activities of hunting and fishing, considering those activities unfit for the "civilized". One of the disuasive tactics consisted in trying to make farmers out of the Indians. For those who already practised farming it proved successful. However, for the majority, who lived of hunting and fishing, farming just did not correspond to their traditions. Government authorities attempted to prohibit certain customs considered contradictory to the practice of "modern" farming, like the Sun Dance, for example, held at harvest time. Despite different attempts, the government failed in its programme to make the Indians into farmers like Canadian farmers.

The native peoples living further away from major Canadian population centres pursued their hunting and fishing to the extent that the development of natural resources (dams, mines



<sup>2</sup>See Chapter entitled "The Development of the Canadian North and the Native Peoples".

1) R.A.Q., 1977, p.21



# Native Peoples in Canada

## Inuit Nation

The Inuit presently live in the Yukon, Northwest Territories, Nunavut, and Labrador.

## Indian Nations

Different Indian tribes live in each of the provinces and territories.

According to the Indian Act, voted on by the Canadian government, there exist different categories of Indians.

### Status Indians :

Those recognized by law as Indian and inscribed as such in a register kept by the Ministry of Indian Affairs.

### Non-status Indians :

Those not recognized as Indians according to the Indian Act; either they have never been registered or they have lost their status.

## Métis Nation

These are the descendants of the companions of Louis Riel, resulting from intermarriage of Canadians and Indians. They presently live on the Prairie Provinces.

A detailed map of the Northwest Territories of Canada, illustrating the distribution of various Indigenous groups. The map is oriented with North at the top. Key features include:

- Inuit Groups:** Labeled in several regions, including the northern coast, the central interior, and the western coast.
- Dene Groups:** Labeled in the central and eastern interior, including the "NATION DENE" and "DENE" in the south.
- Indian Bands:**
  - Naskapis:** Located in the north-central region.
  - Montagnais-Naskapis:** Located in the north-eastern region.
  - Cris:** Located in the central and eastern interior.
  - Ojibways:** Located in the eastern interior, including "OJIBWAYS DES PLAINES".
  - Sikika:** Located in the south-eastern region.
  - Shuswap:** Located in the south-eastern region.
  - Yukon:** Located in the western interior.
  - Algonquins:** Located in the north-eastern region.
  - Siattikameks:** Located in the north-eastern region.
  - Manicou:** Located in the north-eastern region.
  - Malécites:** Located in the north-eastern region.
  - Michicamis:** Located in the north-eastern region.
  - Iroquois:** Located in the north-eastern region.
- Geographical Features:**
  - Yukon and Alaska:** Labeled in the western interior.
  - Greenland Inuit:** Labeled in the far north.
  - Northwest Territories:** Labeled in the central interior.
- Map Elements:**
  - A compass rose in the top right corner indicating North (N).
  - A scale bar in the bottom left corner showing distances in miles (0, 100, 200).
  - Dashed lines representing boundaries or traditional territories.



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All the statistics and tables in the text are taken from the following volumes.

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# Administration of Indian Affairs

## Two synonyms: Administrate, Assimilate

It is difficult to understand the demands of Native peoples and their desire for self-determination if we ignore the process of colonization going on in North America since the 15th century. The present Indian and Inuit positions are the result of a historical evolution marked by multiple attempts at genocide intended to sweep away all obstacles to building a strong homogenous sovereign state.

But the means and the structures developed in this expansionism have varied. They were adapted to the needs of the moment and the dominant interests at the time. The Europeans in Canada perceived the Native peoples according to where they placed them on the great colonial chessboard.

Colonial-Indian relations had a military and economic character during the first two centuries of European presence. The Indians were perceived as suppliers in the fur trade and a military force in the various French-English conflicts. Very often, the colonial powers employed the strategy, still used today, of "war by proxy." Thus, while the French quickly recognized the Hurons as allies, the English strived to develop relations with the Iroquois. These peoples constituted very good reserve armies, even though considered "barbaric" and "undisciplined." Who has not heard the sad refrain, "Bring me an enemy scalp and you'll be well rewarded."

Military aspects progressively dominated the commercial aspects of colonial policy. When Canada was conquered by the British in 1763, relations with the Native peoples were organized according to military priorities; New France did not accept its defeat, and the thirteen colonies were beginning to affirm their independence. It was therefore important to ensure the neutrality of the Native peoples. Control proved necessary, and it came under the authority of the military commander. The Royal edict of 1763 usurped the right to proclaim the Indians subjects of the British crown, while according them

military and statutory protection on a certain defined territory.

After the War of 1812 the military threat to British North America diminished, and the Native peoples were un-needed pawns. But they still occupied land. The influx of new settlers, economic expansion, and the will to create a Canadian state all justified the octopus-like expansion into Indian land, backed up by a new administrative policy. In a word, the policy consisted of reducing costs of paternalism (gifts, annual payments to the Indians in exchange for their services and their silence), organizing the land grab by means of the treaty system, and civilizing these "uncultured savages." The responsibility for this pressing task fell to the Ministry of Crown Lands, and it was all the more pressing because in 1860 the imperial authority transferred Indian affairs to the colonial government, then in the process of emancipation, thus cutting funds allocated for the purpose.

Though riddled with contradictions and hesitation (see the table of administrative development), the new policy followed its course. It was based on the stripping of Indian rights by treaties, the setting up of reserves, and the institution of a governmental department to deal with Indian affairs. The legislative foundation for this was the Indian Act of 1876 (still in force today, although revised, modified and much contested).

The development of the administration of Indian affairs suggests that the goal is the systematic assimilation of the Native peoples. In fact the question has often arisen of eliminating the Department of Indian Affairs, so archaic in a centralizing Canadian state that "respects Canada's ethnic mosaic." But opposition to such a plan, both from insecure civil servants afraid for their jobs and due to the increasingly insistent demands of the Native peoples, has made the task a difficult one.



## Evolution of the administration of Indian Affairs <sup>1</sup>

- 1763: In Quebec, Indian Affairs comes under the authority of the military commander.
- 1796: Upper Canadian Indian Affairs becomes the responsibility of the lieutenant-governor.
- 1800: Lower Canadian Indian Affairs becomes the responsibility of the governor general.
- 1816: Upper and Lower Canadian Indian Affairs transferred to the commander of the armed forces.
- 1830: The reserve system is established in Upper Canada.
- 1841: The Department of Indian Affairs is placed under the authority of the governor general.
- 1860: The Ministry of Crown Land takes charge of Indian Affairs, which ceases to come under the imperial authority and is handed over to the province of Canada.
- 1867: At Confederation, Indian Affairs becomes the responsibility of the federal government who in turn delegates the responsibility to the Secretary of State for the provinces.
- 1873: Creation of the Department of the Interior, which includes a Director of Indians and Indian Lands.
- 1876: Passage of the Indian Act.
- 1880: Formation of an autonomous Department of Indian Affairs directed by the Department of the Interior.
- 1886: The Department is authorized to write and register patent letters ceding Indian territory to buyers.
- 1924: Amendment to the Indian Act (14.15, George V, Chap. 47): the Eskimos (Inuit) come under the General Superintendent of Indian Affairs. <sup>2</sup>

<sup>1</sup>Canada, 1975.

- 1936: The Department of Indian Affairs becomes a part of the Department of Mines and Resources.
- 1945: Transfer of Indian health services from the Department of Mines and Resources to the Department of National Health and Welfare.
- 1949: Transfer of the direction of Indian Affairs to the Department of Citizenship and Immigration.
- 1951: The Indian Act is modified and corrected.
- 1965: Transfer of Indian Affairs to the Department of Northern Affairs and National Resources.
- 1966: Creation of the present Department of Indian Affairs and Northern Development.

## From one law to the next

The administration of Indian Affairs was developed on the basis of the Canadian constitution put into force by the British North America Act of 1867. The BNA Act gave Parliament exclusive legislative authority over "Indians and the lands reserved for them." On this basis the "Act to amend and consolidate the laws respecting Indians" was passed.

The first section of the act proposes an abbreviation of the title, which may be shortened to The Indian Act <sup>2</sup> Here an often-encountered confusion must be cleared up: the Indian Act is not the Act of the Indians. To think what was passed in 1876 is an act or law of the Indians is a gross mistake. The title implies approval by the Indians but when it was passed Indians didn't have the right to vote and often they reject this procedure which is foreign to them.

Of course this doesn't mean that the Native peoples have no laws, but even the term brings confusion. Native peoples do not have legislative systems equivalent to ours, living as they do in harmony with nature and sanctioned by the Creator. An example may illustrate the possible confusion:

A Native woman loses her status as an Indian if she marries a non-Indian. By the very

Canada, 1876.

<sup>3</sup>emphasis added



fact she also loses all rights accorded to status Indians, including the right to live on the reserve. If she leaves the band, it is not because she is being expelled as a punitive measure, she is merely obliged to conform to Canadian law (Victoria, Chap. 1.6, Art 12.b).

This paternalist and protectionist legislation also stipulates that bands must obtain ministerial approval before taking decisions concerning their members or their member's possessions, including land. The law also identifies the rights and privileges that are exclusive to Indians and by this fact defines who is Indian and who is not (that is, who has the right to be on band lists registered with the federal government and who does not). These provisions, based as they are on both sexual discrimination and exclusionary principles, contradict the Declaration of Human Rights. Inuit are not excluded from this; in 1935 the federal cabinet submitted the following question to the Supreme Court:

"Does the term "Indian" as used in Chap. 24 of Section 91 of the BNA Act, 1867, also apply to Eskimos living in the Province of Quebec?"<sup>4</sup> In 1939 the Supreme Court responded in the affirmative. Thus, legally, Eskimos are Indians. This decision does not mean that there is an ethnic homogeneity, but that the federal government is responsible for the Inuit as well. This principle still stands.

Our object here is not to denounce the workings of the law; we might well be surprised at its infallible logic. By way of example, one of the decisions of the US Marshall Court judgments of the 19th century must be mentioned. It judges the Indian nations to be "dependent domestic nations"<sup>5</sup> It's enlightening! It also says the Indians are in a "state of pupillage, their relation with the US resembles that of a ward to his guardian; the Indians look to our government for rely upon its kindness and its power, appeal to it for relief and wants, and address the president as their great father." Change the term to "great mother from across the sea" and you'll understand the situation facing Canada's Indians and Inuit.

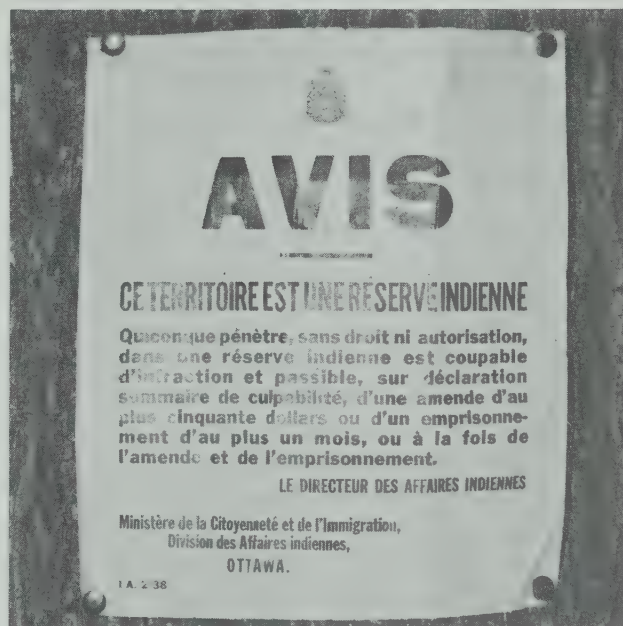
Based on this established outlook recognized and reinforced by all our institutions, it was judged necessary to develop adequate struc-

tures to run Indian Affairs. Throughout North America legislation concerning Native peoples is conceived in the framework of the reserve system and developed on the basis of Western legal concepts.

But these measures go against all principles recognizing a people's right to self-determination and to its own culture. These fraudulent measures are the bases of a colonial policy. They are unacceptable, and since no mere reform could change them, they have inspired formidable, fundamental opposition.

In order to understand current debates it may be useful to understand a few legal concepts. The following definitions are taken from the Indian Act; they have no connection to reality other than recognized, and artificial, administrative usage:

- "Indian": means a person who pursuant to this Act is registered as an Indian or is entitled to be registered as an Indian,  
 "Registered": means registered as an Indian in the Indian Register;



Warning: This is an Indian Reserve. Whoever enters an Indian reserve without right or authorization is guilty of a violation of the law and if convicted liable to a fine of not more than \$50 or one month in jail or both.

Director of Indian Affairs

<sup>4</sup>Canada, 1935. Our translation.

(our translation).

<sup>5</sup> Doug Sanders, 1979.



## **Persons not entitled to registration**

The following persons are not entitled to be registered, namely,

- a. a person who
  - i. has received or has been allotted half-breed lands or money scrip.
  - ii. is a descendant of a person described in subparagraph i.,
  - iii. is enfranchised, or
  - iv. is a person born of a marriage entered into after the 4th day of September, 1951 and has attained the age of twenty-one years, whose mother and whose father's mother are not persons described in paragraph II (1)(a), (b) or (d) or entitled to be registered by virtue of a paragraph II (1) (e), unless, being a woman, that person is the wife or widow of a person described in section II, and
- b) a woman who married a person who is not an Indian, unless that woman is subsequently the wife or widow of a person described in section II.

"Band" means a body of Indians

a) for whose use and benefit in common, lands, the legal title to which is vested in Her Majesty, have been set apart before, on or after the 4th day of September 1951.

b) for whose use and benefit in common, moneys are held by Her Majesty, or

c) declared by the Governor in Council to be a band for the purposes of this act.

"Reserve": means a tract of land, the legal title to which is vested in Her Majesty, that has been set apart by Her Majesty for the use and benefit of a band;

Enfranchised:<sup>6</sup> term applied to a person who has renounced his registered Indian status and has obtained Canadian citizenship. This can be done at any age.

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Translated by: Patricia Kerby

\*Our translation from the French.

<sup>6</sup>Our addition



# Political self-determination of Native Peoples

Native peoples have systematically been raising the question of self-determination for the last decade. But this goal goes back much further than ten years.

At first, rival colonial powers tried to make military alliances with the original occupants of North America. The colonists had already signed various treaties when England gave Native peoples "full and complete possession" of their lands in the **Royal Proclamation** of 1763. Thus England tried to limit expansion of American colonization by creating Indian territory. But the Crown still claimed the title to full and complete property rights for itself. The Native people were allowed only a vague and weak "right of occupation" while in fact courts recognized the British Crown as exclusive owner. Thus this concession to Native peoples' right of occupancy occurred within the framework of a colonial strategy. Still, the royal edict laid down modalities that the governments had to take into consideration before undertaking exploration of natural resources and settling of territory.

The Proclamation didn't stop the creation of the reserve system nor the federal government proclaiming itself "legal trustee" of the Indians in 1871 (which meant that the federal government managed all their lands and property in trusteeship). The consequences of this were disastrous for Native peoples and the official documents of this period show that their assimilation was considered imminent — a matter of a few decades.

In 1884 the federal Parliament passed "An act to grant certain privileges to the most enlightened (sic) of Canada's bands with a view to their learning to exercise municipal powers."

1 It is to be noted that this political structure is founded on *consensus*, not majority rule. Benjamin Franklin found the League of Six Nations a source of envy and inspiration during the drafting of the US Constitution.

2 "Recently Native peoples in the United States have established the *International Council of Indian treaties*, whose mandate is to seek recognition for the Native peoples of the Americas by the United Nations. This organization put together the September, 1977, meeting in Geneva of representatives of Native groups from Canada, the US\* Mexico and several South American countries." (Savard, 1979, p. 107. Our translation.)

This approach of gradual municipalization would be taken up by all colonizing agents that followed, including the present Quebec government. For example, in 1924 the central power banned the "League of Six Nations,"<sup>1</sup> which, even today, is the political system of the Haudenosaunee (Iroquois), to replace it with a Band Council "democratically" imposed by force.

In 1969, under pressure from financial interest to open up the North to industrial development and "progress," the federal government decided to clear things up once and for all. In a White Paper it announced its intention to eliminate the Indian Affairs Department by 1974 and to turn Indians into "full-fledged Canadian citizens," at the same time doing away with all its obligations to them.

The egalitarian rhetoric of the document fooled no one, and the reaction was so strong from all the Native nations that the government switched strategy. It decided to recognize the rights granted by the Royal Proclamation of 1763 in order to better eliminate them, in return for money and social benefits. In fact the Department had also discovered that the Native peoples had a good bit of support around the world.<sup>2</sup>

A question that often comes up is: what does the people of Quebec think? After all, in a period when the Quebec people are putting into question their relation to the federal state, the words sovereignty and self-determination should mean something to them! Much of the answer to this question can be found in the wall of ignorance erected between Native peoples and the Québécois by the different levels of government and the information media, who avoid talking about "politics" on this question. Alongside Expo '67 and the Olympic Games they would rather talk about "incidents" on the



reserves, or better, present a traditional picture of the Indian by dragging out nostalgic clichés about a style of life left behind by history. In the end we are led to believe that the Native lifestyle "contradicts" our own, and that one or other of the two value systems must inevitably triumph. Is this objective information or creeping genocide?

Native peoples are *different* from us. This reality is very simple, but all the more demanding. If we wish to understand the Native peoples we must first of all make an effort to overcome the ethno-centrism of the "civilizer." Too often have the institutions set up by our governments been marked by it. We must accept that the Native peoples are not underprivileged beings in need of our help. We must stop basing our relations with them upon their assimilation. Among the best examples of an ethnocentric attitude is found in the controversies surrounding certain treaties. The Native civilization is an *oral* one, thus the treaties reached with them *Romaine River Child*, fall 1970

cannot be limited to what was written down on a piece of paper, but must include all the promises made orally. The Native peoples have shown that the government took advantage of this basic cultural trait to deceive them over certain so-called "treaties of peace and friendship." In their English written versions, these treaties in fact covered the sale of land. Commissioner Morris may well have said, "The Queen has not come to bargain for your lands," but he wrote, "The Indians cede, release, surrender and yield up... all their rights, titles and privileges, etc."

Even today, half of Canada's land mass has never been conquered, subject to treaty, or ceded by the Inuit and other Native nations. From an international point of view, the rights that are indispensable for their survival are *inalienable* and cannot be ceded. (Of course, the courts have not been working overtime to define these rights!) The Quebec government presents a facade of "good will," as it asks for input as to what kind of institutions it should build "for



Photo: Rémi Savard



them”<sup>3</sup>. But behind this facade lies a model of negotiations that is false from the very start, since its very basis is the extinguishing of the rights of one of the two parties, a question which is non-negotiable. In fact, it is up to the Native people to tell us how they understand these rights.

First and foremost they have rights over the land. Their link with the land and the water ways is not based on ownership, but on use. The corporations think of the wealth of an area in terms of “resource management,” meaning the often massive extraction of resources: oil, gas, mines, forests, hydro-electricity, etc. For these companies the first stage is to acquire legal title to the land, that is, to exchange a certain amount of capital, judged equivalent, for a certain amount of land, the whole in accordance with the *laws of Queen and Parliament*. But the Native peoples see their territory as a whole of which they are a component part. They see themselves in accordance with the *laws of nature*, which depend neither on themselves nor on other men, but which every one must know (or rediscover) and respect.

*L'accès aux territoires de chasse est soumis aux autorisations écrites des filiales de I.T.T. et de U.S. Steel.*

Therefore, for them the idea of political power has a spiritual dimension that cannot be neglected. It implies not the capacity to decide, command and force, but rather the capacity to unite with and cooperate with other living beings. The Native peoples do not seek to domesticate nature, they seek to live with and within nature.



<sup>3</sup> René Lévesque, *Journal de Montréal*, Dec. 29, 1979, p.6.

*Photo: Serge Giguère.*

"The people who are living on this planet need to break with the narrow concept of human liberation, begin to see liberation as something which needs to be extended to the whole of the Natural World." <sup>4</sup>

The Native peoples have lived on their lands for 20,000 years. They do not wish to prevent the use of their territory, just to direct the way it is developed. The Royal Proclamation of 1763 guaranteeing their rights to the land is causing considerable problems for governments who, under the pretext that these rights are too vague, wish to extinguish them and then "compensate" the Indians for the loss of their lifestyle. But the Native people, who find their rights quite clear enough, want them recognized. They are creating the political tools needed to counter any intervention in their territories that might upset the environment. They want to be freed of any and all trusteeship, to at last be free to determine their own future and take their rightful place among nations. They want their right to political self-determination.

*Translated by: Patricia Kerby*

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# The development of the Canadian North and the Native Peoples

## Introduction

The exploitation of natural resources in Canada's North, both by the federal and provincial governments and by private companies, has greatly accelerated over the last few years. Oil exploration and extraction, in the Beaufort Sea, the proposed Mackenzie Valley pipeline and the James Bay project are just a few examples. This situation seems in fact to be reaching a critical point, with the federal government talking of a "decade of expansion" in northern development. Since the beginning of the '70s, these development projects have resulted in major conflicts between the northern Indian peoples and the Inuit, on the one hand, and the governments concerned, on the other. There are two basic attitudes involved.

For some people the Canadian North is

seen as an enormous reservoir to be exploited by the rich countries, like Canada and the USA, to more easily meet both their energy needs and their growing demand for raw materials. This is the image of the "last frontier", North America's farthest reaches, whose conquest cannot be delayed.

For other people — the native nations who live there — the north is their homeland, where they have lived for thousands of years, a land to which they are deeply attached.

To understand what is at stake in the present conflict in the North and the conditions in which it is taking place, we must look at the Canadian colonization of which it is a part. What is going on in the North is similar in many ways to what has occurred each time the advance of

*Romaine River*

*Photo: Jean René Proulx*



colonization has affected regions inhabited by the Native peoples: the arrival of explorers, missionaries and traders immediately upset their milieu and their way of life. The fur trade, for example, plunged the Native peoples into an economic universe over which they had no control (the commercial chain, markets, etc.). These European footholds in Amerindian territory were nothing but the advance guard of massive colonization that would occur in a relatively short period of time. Such colonization does not automatically lead to a treaty, for example, when the aboriginal rights recognized by the British Crown are ignored. Nonetheless, all treaties between governments and the Native nations have had the basic aim of opening up new territories to urgently needed colonization. Essentially, this colonization can take two forms: an influx of colonists granted land on which to set up shop, or the exploitation of natural resources, both on the surface and underground — minerals, oil, gas, forestry, resources, etc. In either case, land ownership is clearly important, hence treaties whose essence is precisely the abolition of aboriginal rights over the desired territory.

In the south, Canada was above all interested in settlement as such, and in the 1870s this led it to force the Native peoples to sign treaties 1 through 7<sup>1</sup> covering the area known at the time as the Northwest (the region between Lake Superior and the Rockies). But the exploitation of underground resources played a much greater role in the signing of treaties 8 through 11 at the turn of the century, covering the Northwest Territories (NWT) and the Northern Prairies. In the Northwest Territories where are our main concern here, mining has been going on since the end of the last century and has constantly increased since 1900 — the Yellowknife gold mines, the Norman Wells oil field, The Port Radium and Echo Bay mines, lead and zinc mining at Pine Point, etc. Intense mineral exploration has been carried on throughout the 20th century.

This economic activity has had increasingly negative effects on the Native nations of the NWT (the Arctic Inuit and particularly the Dene of the Mackenzie Valley). The influx of whites and the colonial regime they brought with them would later lead to the Government of the

Northwest Territories, essentially a local administration responsible to Ottawa from which the Native people, who were and always have been a majority of the population, are excluded. When the Second World War led to the collapse of the fur trade, the Native peoples faced famine, and the following years would lead to their increased social and economic dependence on Ottawa:

This is not an isolated case. Shortly after the Second World War, development began in the Yukon and northern Quebec. In Quebec the Shefferville iron mines opened, the port of Seven Islands was developed, and roads and railways were built. The Montagnais of the North Shore were ignored in this process. There is no treaty stipulating their rights, and the Quebec government does not recognize them.

### The early '70s: a turning point

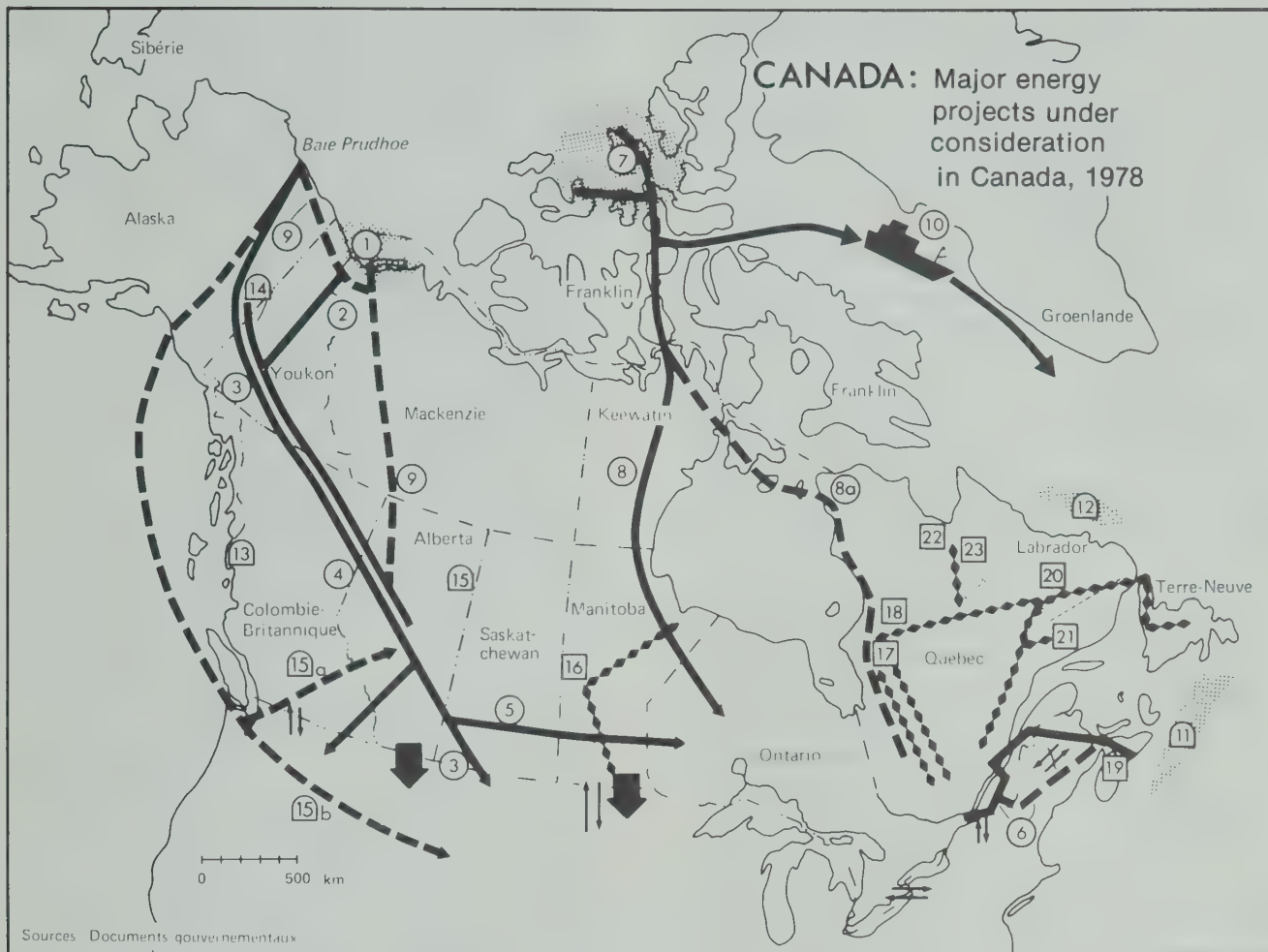
Although in general the Native peoples have always maintained a firm position concerning their sovereignty, the early '70s mark a turning point, with a well-organized movement for a program of demands being launched across Canada. The Dene people are among the most determined of the Native nations. To understand these developments, we must look at the big development projects of the last ten years, in particular in the Mackenzie Valley and at James Bay.<sup>2</sup>

In the middle of the '70s, with oil production growing in Alaska (Prudhoe Bay) and exploration continuing in the Beaufort Sea (NWT) and the northern Arctic, a major consortium of multinational companies put forward a plan for transporting northern hydrocarbons by pipeline to the markets of southern Canada and the United States. The project (see 9 on the attached map) would be one of the most ambitious ever attempted by private enterprise, and would respond to a number of different interests: for the United States it would be a way to ensure greater independence from Arab oil sources; for Canada it would be an occasion to stimulate an economy hard hit by unemployment, to make full use of the country's geopolitical advantages

<sup>1</sup> Treaties 1 through 7 were not the first treaties signed. From 1763 to 1870 Upper Canadian land had been the object of several treaties.

<sup>2</sup> On the Dene and the Mackenzie Valley pipeline project see Jean Morisset, "Les Dénés du Mackenzie et la légitimité politique du Canada", *Le Devoir*, October 16 and 17, 1978, and *Revue Monchalin*, cahier 62; on James Bay see Pierre Dommergues, "L'affaire de la Baie James," *Le Monde Diplomatique*, 1976.





#### GAS PROJECTS

1. Beaufort-Mackenzie Gas Pipeline
2. Dempster Pipeline
3. Foothills (Alcan) Pipeline
4. Westcoast Transmission Gas Line (Grizzly Valley)
5. A extension of the Transcanada Pipeline.
6. Quebec and Maritimes Gas line.
7. Panarctic drilling project
8. Polar Gas Pipeline.
- 8a. Quebec Alternative (abandoned in 1977)
9. Mackenzie Alternative differentiated in 1977)
10. Arctic Pilot Porject (GNL)

#### OIL PROJECTS

11. Petro-Canada and Mobil Oil exploration in the Nova Scotia plateau
12. Eastcan exploration
13. Port and Oil pipeline at Kitimat
14. Alaska Highway Oil Pipeline
15. Athabaskan tar sands and Syncrude expansion
- 15a. TransMountain
- 15b. Northern Tier

#### HYDRO-ELECTRIC PROJECTS

16. Churchill Falls complex
17. James Bay Complex
18. Great Whale complex
19. Bay of Fundy sea harnessing project
20. Gull-Island complex
21. Romaine River complex
22. Ungava Bay sea-harnessing project
23. East Ungava complex

Exchanges with the United States



1. Natural gas
2. Electricity



Electric power lines



Accepted or projected pipeline routes



Alternative pipeline routes



Gas and oil fields

by building the northern infrastructure needed to systematically exploit the North's natural resources, and finally to affirm a Canadian national identity through the myth of "The north" and the "challenge" its development would pose for all Canadians.

The Dene people, faced with the prospect of a pipeline cutting through their territory from north to south but never having been consulted, began legal action to counter the project. The NWT Superior Court granted them a caveat recognizing their prior interest over an area of more than one million square kilometres. Among other things, the hearing revealed, the deception practised around treaties 8 through 11, where the federal government was able to take advantage of the oral traditions of the Native peoples. Not only were the treaties never translated into the Dene language, but the Dene did not even receive written copies until the 1960s, 40 years after the treaties were signed! It is hardly surprising then that the written versions, comprising the extinguishing of territorial rights, don't correspond to the oral versions known to the Dene's parents and grandparents, which were treaties of peace and friendship.

Thus began a whole series of government inquiries. The first was the Berger Inquiry, set up in the spring of 1974. It handed in the first part of its report after 38 months of work during which the Dene were very active. The commission's recommendations were a bombshell: for sociological reasons no pipeline should be constructed along the Mackenzie River for ten years, the period necessary to reach an equitable settlement of the Native claims. But what exactly are the Native peoples demanding?

Faced with the threat posed by the gigantic Mackenzie Valley pipeline project, the Native nations of the Northwest Territories have vigorously reaffirmed their own national identity and life style. Through numerous meetings and much investigation they have defined a series of demands and set up an organization to fight for them. Out of this process came the first Dene manifesto, unanimously adopted, at Fort Simpson in October, 1975, affirming their full right to self-determination and demanding their rights as the first inhabitants of the country. A year later they presented the Canadian government with a proposed agreement based on the

<sup>3</sup> *Le Devoir*, October 23, 1979 and January 18, 1980.

recognition of their rights, as opposed to the extinguishing of those rights, and the establishing of a special status within Confederation that would allow them to take control of their own development. Finally, in July, 1977, the Dene in conjunction with the Inuit Tapirisat formulated the "Metro Model". It defines the powers, similar to those of a province, and the nature of the government desired by the Native peoples. Essentially the proposal puts forward the creation of three geographical and political entities: one controlled by the Dene, one controlled by the Inuit, and a third controlled by the whites of the southwestern part of the Northwest Territories. The present Territorial Government would be replaced by a political structure in charge of administering joint programs.

The federal government, which had never explicitly approved the Berger recommendations, named a new Commission soon after the Berger report was released. The Lysyk Inquiry had the mandate of investigating the impact of the Foothills pipeline project, the only one not subject to a moratorium. The Foothills project would follow the Alaska Highway route through the Yukon and across northeast British Columbia (see numbers 3 and 14 on map). Ottawa favours the all-Canadian Foothills project and soon received a favourable report from Judge Lysyk. Pressured by a complex timetable imposed by Canadian and US interests, in October, 1979, the Clark government imposed a six-month deadline on the Yukon Indians to reach an agreement on their demands. The recent fall of the government has halted negotiations.

More recently, on January 17, 1980, US president Carter announced his support for the Northern Tier project (see map No. 15B). This all-American project would transport Alaskan oil by supertanker from Valdez, Alaska, to Port Angeles in Washington state, a few kilometres from the Canadian border. From there the oil would travel to the US midwest by pipeline.

With this route the US could avoid all negotiations with Canada over permits and the sharing of economic benefits. But although the \$1.2 billion Northern Tier plan is backed by a number of big steel companies including Westinghouse and United Steel, its financing is still uncertain.



This means open warfare between Canadian and American interests, since the two projects competing with Northern Tier — Foothills and Trans-Mountain (No. 15a on the map) — are partially Canadian. For Canada the Foothills project has the added advantage of allowing a future link-up with the Beaufort Sea fields, although for the Americans it has become less attractive over the last year. If the Alaska oil fields are smaller than predicted the Foothills project would no longer be profitable, while the other, partially maritime, routes could transport supplies arriving from anywhere in the world, as well as from Alaska or the Northwest Territories.

This economic race between Canadian and American interests makes it easier to understand the government's reactions to the Native people's demands. The government's answer to the Metro Model came via the naming of yet another inquiry, the Drury Inquiry, which is in fact a hearing. Its mandate is to study the "constitutional evolution for the Northwest Territories." It has stated that,

"In Canada legislative and executive powers are not given out according to race. The creation of an indigenous government in the McKenzie River Valley is unacceptable. Ottawa cannot accept new political divisions based essentially on race, unless the Native claims mean creating special reserves.<sup>4</sup>

The Native peoples' answer: And the reserves? Aren't they based fundamentally on race?

This avalanche of commissions and inquiries testifies to the absence of an overall Canadian position with respect to Native claims. On one occasion the government will consider the Native peoples to be Canadians like any others and so refuse them any special status — this was the spirit of the 1969 White Paper. At another time it will accept the presentation of "global demands"<sup>5</sup> by certain Native bands — this last statement of policy on the question dates to 1973.

<sup>4</sup>Canada, 1977. Our translation.

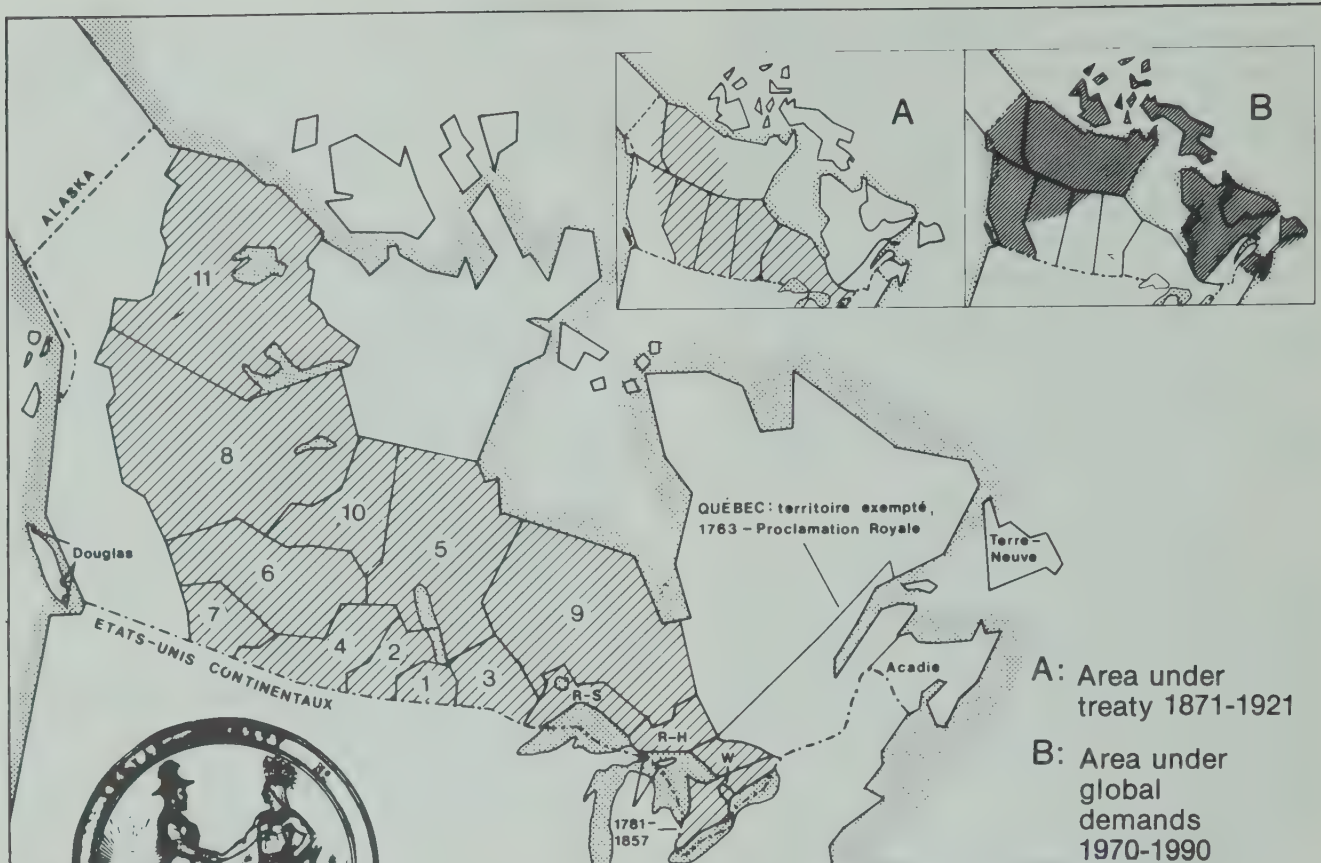
<sup>5</sup>The idea of "global demands" and "specific demands" comes from the federal government. Global demands are in general based on aboriginal rights, and put in question the overall relation between the Canadian government and the Native nations concerned. Specific demands fall

## In Quebec

In Northern Quebec the basic questions and the attitudes towards them are essentially the same as in the Yukon and the Northwest Territories. Like Ottawa, Quebec City refuses to recognize any special status for Native people. Quebec began work at James Bay with no more studies of the project's environmental impact than it had discussions with those most interested in the project's effects, the Cree and the Inuit. From the very beginning the project ran flat out. We know the political motives, hiding behind the official speeches, that led to such haste, which turned out to be very expensive. Once the necessary borrowing had been carried out, there were economic reasons for continued haste — every day lost before the turbines began to turn would mean more interest to pay.

The events that followed are well-known: Judge Malouf stops construction; a week later the Appeals Court starts them up again, negotiations with the Cree and the Inuit lead to the James Bay and Northern Quebec agreement. Though this agreement may have been the envy of the Canadian and other provincial governments, it was also vigorously denounced by the Civil Liberties Union (see the position paper on the Agreement) and the Quebec Human Rights Commission, which condemned the obligatory extinguishing of the Native people's territorial rights. In fact, the agreement was signed following questionable manipulations by the Quebec and Ottawa governments. The Quebec Indian Association refused to sell off aboriginal rights and was left out of the negotiations by Quebec City, which went directly to the Cree and the Northern Quebec Inuit Association, set up directly by Ottawa just a few months before. Judge Thomas Berger also denounced the Agreement in his *Report of the Mackenzie Valley Pipeline Inquiry*: "The negotiators for the Province of Quebec stated that, if the native people refused to approve the James Bay Agreement, the project would go ahead anyway, and they would simply lose the benefits offered by the Province."

into the general framework of agreements and treaties already made with the Canadian government and deal with Native complaints concerning the limits of reserve lands, the management of their property, etc.



# CANADA:

## TRAITÉS CONCLUS AVEC LES AUTOCHTONES

(ACCORDING TO THE DOMINION OF CANADA)

1781-1857 Treaties: Ojibway\*  
Algonkins  
Iroquois

Hurons  
Pawnees  
Ottawas

Douglas Treaties (1850-1854): Sanetchs  
Sookes Nanaimos  
Songishs

Robinson-Supérieur Treaties (1850)  
Robinson-Huron Treaties (1850) Ojibway  
Williams Treaties (1923)

Treaty No. 1: OJIBWAYS\* CREES  
2: 1871 OJIBWAY  
3: 1873 OJIBWAY  
4: 1874 OJIBWAY, CREES, ASSINIBOINES  
5: 1875 OJIBWAYS, CREES  
6: 1876 CREES, MONTAGNAIS\*, ASSINIBOINES  
7: 1877 BLACKFEET, BLOODS, SARCIS, ASSINIBOINES, MONTAGNAIS  
8: 1899 CREES, BEAVERS, MONTAGNAIS  
9: 1905 OJIBWAY, CREE  
10: 1906 MONTAGNAIS, CREES  
11: 1921 SLAVEYS, DOGRIB, LOUCHEUX, TSHOSHONE

Also refers to OJIBWAS CHIPPEWAS

\*\*Also refers to CHIPPEWA

SOURCE: Canada, Ministère des Affaires Indiennes et du Nord, 1977.

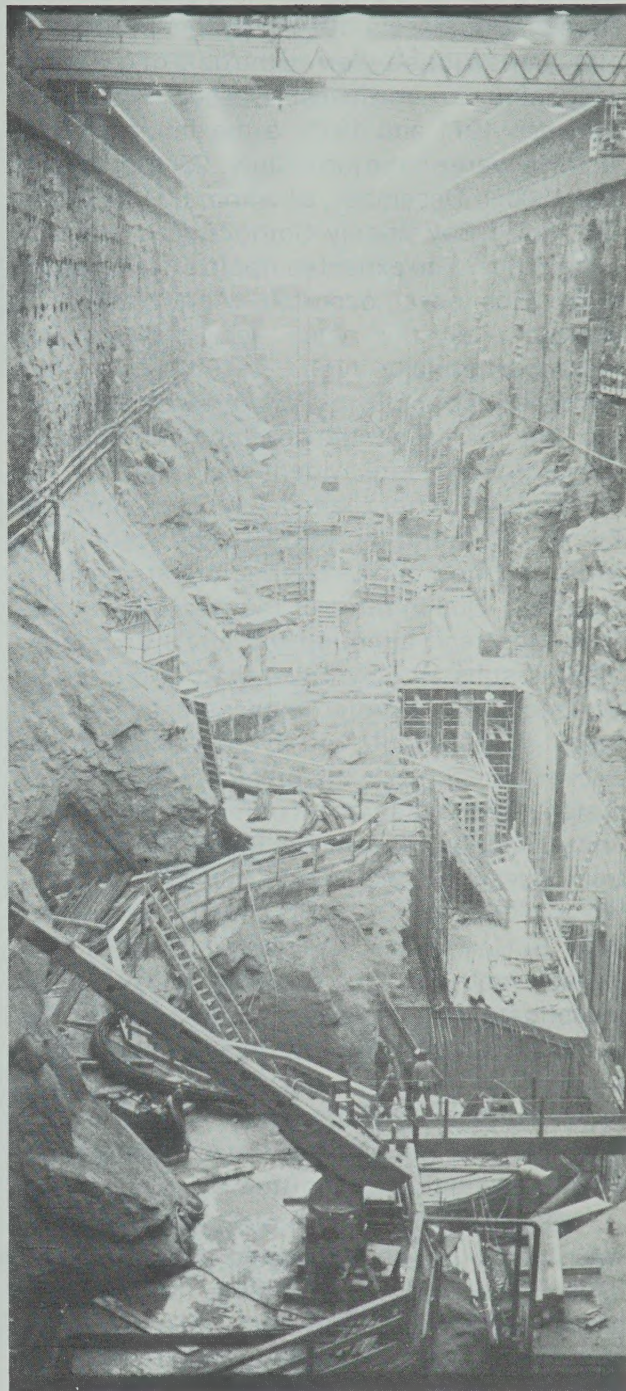


The Quebec government wanted to kill two birds with one stone by including all of northern Quebec, including its northern limits, the Inuit lands, in the Agreement. But three Inuit communities in New Quebec — Povungnituk, Ivujivik and Sugluk — representing 30% of Quebec's 4500 Inuit, refused to sign the Agreement. Taking a position similar to that of the Inuit Tapirisat, the dissident villages rejected the agreement on the basis of its premise, the extinguishing of their rights. They would rather ensure the development of their people via truly Inuit bodies like the Federation of New Quebec Cooperatives, which grew out of the communities themselves, than via the complex of organizations planned for in the agreement, originating in Quebec City offices, and not from the Native people themselves.<sup>6</sup>

Latent conflicts also exist in other parts of Quebec, especially in areas where Hydro-Quebec is planning to harness more rivers. This is the case in Ungava and on the North Shore, where advanced studies have been made of the La Romaine, Moisie and Petite Mecatina rivers. The North Shore as a whole has a hydro-electric potential of 6000 megawatts. Four dams are planned for the La Romaine River. Their power will be increased by the diversion of the St. Jean River into La Romaine. This means dikes, dams, the drying up of watercourses and the estimated flooding of 500 square kilometres.<sup>7</sup> Of course there is no point in even mentioning the enormous consequences all this will have on the Montagnais Indians, whose ancestral lands stretch along the North Shore of the St. Lawrence from Lac St-Jean to Labrador. After the century of scorn heaped on them during the handing out of mining and forestry concessions or during agricultural and hydro-electric development (Manic), after the scandalous takeover of their salmon rivers to hand them over the private clubs, Hydro's next step may be the straw that breaks the camel's back. As the Attikamek-Montagnais Council stated in its recent declaration affirming its peoples' right to sovereignty, "We love our land and we will not let it go."<sup>8</sup>

### A certain type of progress

A look at the map of the main development



*Baie James.*

*Photo: Pierre Trudel.*

projects planned for the Canadian North is enough to show that economic "development" is spreading out in all directions. When all is said and done, the type of economic progress this is leading to is no more in the interests of the

<sup>6</sup> See Keable, "D'égal à égal sur la Côte Nord?", in *Québec Science*, 1979.

<sup>8</sup> See Attikamek-Montagnais Council, "Nishastanan nitasinan," *Recherches Amérindiennes*, 1979.

<sup>6</sup> On James Bay and the dissident Inuit, see Michel Gauguelin, "La baie James, pour le meilleur et pour le pire", *Québec Science*, 1978.



Native peoples. James Bay is a clear example. Neither Bourassa's 1970 election promise of 100,000 new jobs a year nor the goal of economic expansion in northwest Quebec were met. Between 1971 and 1975, a maximum of 5000 workers were on the job in July, 2500 in January and 1300 in December, of whom 600 worked in the James Bay Energy Corporation's Montreal head office. The expected ripple effect creating other jobs never occurred. And finally, the average cost for each job created was disproportionally high: \$300,000 for each temporary job and \$6 million for each permanent job. As for economic development, regional disparities are more evident ever. Montreal has benefited most from James Bay. The James Bay Energy Corporation (JBEC), the consulting firms and most of the contractors are based in Montreal. One in three of the workers are also from Montreal, although the city's unemployment is substantially lower than in the rest of Quebec. Even the project management seems to have slipped out of hydro's hands. On September 22, 1972, the president of the JBEC stated, "The management of the project has not and will not be handed over to private interests, from Quebec or elsewhere, but will be handled entirely by the JBEC and Hydro-Quebec."<sup>9</sup> But in March of 1972, Hydro and JBEC had already met with "the direction of Bechtel to investigate what positive contributions this company could bring to a project of such dimensions."<sup>10</sup> A few months later Bechtel, a multi-national with its head office in San Francisco, named three of the six members of JBEC's managing committee.

One last point: the "project of the century" was based on an estimated growth in the demand for electricity in Quebec that has since proven to be clearly too high. As a result the government has recently announced a probable slowdown in the work continuing at James Bay and the possibility of pushing back the schedule for Hydro's planned projects on the North Shore.<sup>11</sup>

With Quebec mortgaged to the hilt thanks to a development project carried out in a climate of secrecy and false urgency, with wide-scale "development" getting underway in Canada's North, and with the Native peoples fighting for their lands, perhaps now is the time to take a look at exactly what kind of development we want. Perhaps it is also time to accept the existence of

<sup>9</sup>Quoted in Pierre Dommergues, "L'Affaire de la baie James," *op. cit.* (our translation)

the Native peoples and open the way to real communication with them. It is in this perspective, at least concerning urgent short-term questions that the Native Nations Support Committee of the Civil Liberties Union demands that the various levels of government fully recognize the sovereign rights of the Native nations and declare a moratorium on all development projects in the North until a complete settlement has been reached.

*Translated by: Simon Horn*

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